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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,234	10/01/2003	Hao Hou	1497/5	1688

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EXAMINER

TRAN, QUOC DUC

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/676,234

Applicant(s)

HOU ET AL.

Examiner

Quoc D. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 14-31 is/are rejected.
- 7) ☒ Claim(s) 12 and 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-11 and 14-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Pelaez et al (6,870,905).

Consider claim 1, Pelaez et al teach a method for providing lawful intercept of a media stream in a media gateway, the method comprising: (a) establishing a call context between a first termination and a second termination, the call context defining a call media stream between the first and second terminations associated with a call between first and second end users (col. 3 lines 23-39); and (b) establishing a first tap context between the first termination and at least one first tap termination, the first tap context defining a one-way tap media stream from the first termination to the at least one first tap termination, the tap, media stream carrying a portion of the call media stream from the first termination to the at least one first tap termination (col. 3 lines 44-50; col. 4 lines 50-60).

Consider claim 2, Pelaez et al teach the method comprising establishing a plurality of second tap contexts between the first termination and a plurality of second tap terminations (col. 3 line 45- col. 4 line 33).

Consider claim 3, Pelaez et al teach wherein establishing a plurality of second tap terminations includes establishing the second tap terminations independently from the at least one first tap termination and from each other (col. 3 line 45- col. 4 line 33; Fig. 2).

Consider claim 4, Pelaez et al teach wherein the first tap context includes a first tap media stream carrying an ear portion (received by target) of the call media stream from the first termination to the at least one first tap termination (col. 3 lines 62-66) and a second tap media stream carrying a mouth portion (originated by target) of the call media stream from the first termination to the at least one first tap termination (col. 4 lines 1-14).

Consider claim 5, Pelaez et al teach wherein the first tap context includes a tap media stream from the first termination to the at least one first tap termination, wherein an ear portion of the call media stream and a mouth portion of the call media stream are combined in the tap media stream (col. 4 lines 55-60).

Consider claim 6, Pelaez et al teach wherein the first tap context includes a tap media stream from the first termination to the at least one first tap termination, wherein the tap media stream carries the mouth portion of the call media stream (col. 4 lines 1-14).

Consider claim 7, Pelaez et al teach wherein the first tap context includes a tap media stream from the first termination to the at least one first tap termination, wherein the tap media stream carries the ear portion of the call media stream (col. 3 lines 62-66).

Consider claim 8, Pelaez et al teach the method comprising prior to establishing the first tap context, confirming that the first tap context is legally authorized (col. 2 lines 22-30).

Consider claim 9, Pelaez et al teach the method comprising, after establishing the first tap context, modifying the call context such that the media stream between the first termination and the second termination is bi-directional (col. 4 lines 35-39).

Consider claim 10, Pelaez et al teach wherein establishing the first tap context between the first termination and the first tap termination includes sending a command from a media gateway controller to the media gateway instructing the media gateway to create a new context, the new context including a one-way media stream from the first termination to the first tap termination (col. 3 lines 62-66).

Consider claim 11, Pelaez et al teach wherein establishing the first tap context between the first termination and the first tap termination includes sending a command from a media gateway controller to the media gateway instructing the media gateway to create a new context, the new context including the first media stream carrying the mouth portion of the call media stream from the first termination to the first tap termination and the second media stream carrying the ear portion of the call media stream from the first termination to the first tap termination, the first and second media streams being configured as one-way streams (col. 3 line 62 – col. 4 line 14).

Consider claim 14, Pelaez et al teach a media gateway with lawful intercept capability, the media gateway comprising: (a) a plurality of network interfaces for sending and receiving media streams to and from external networks; (b) a plurality of voice processing resources operatively associated with the network interfaces for processing the media streams received from the external networks (Fig. 2); and (c) a controller operatively associated with the network interfaces and the voice processing resources for controlling the network interfaces and the voice

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processing resources to establish a call context in the media gateway for a call between first and second end users, the context including first and second terminations (col. 3 lines 23-39), and, in response to a request for a lawful intercept of the call, for creating a tap context, the tap context including one of the first and second terminations and at least one tap termination (col. 3 lines 44-50; col. 4 lines 50-60).

Consider claim 15, Pelaez et al teach wherein the network interfaces include packet network interfaces for sending and receiving packetized voice (col. 3 lines 31-34).

Consider claim 16, Pelaez et al teach wherein the packet network interfaces include at least one of ATM, Ethernet, POS, and MPLS interfaces (col. 5 lines 26-30).

Consider claim 17, Pelaez et al teach wherein the packet network interfaces send and receive packetized voice using at least one of AAL1, AAL2, and VoIP protocols (col. 2 lines 59-61).

Consider claim 18, Pelaez et al teach wherein the network interfaces include TDM network interfaces for sending and receiving TDM-encoded voice (col. 2 lines 59-61).

Consider claim 19, Pelaez et al teach wherein the network interfaces include packet network interfaces for sending and receiving packetized voice and TDM interfaces for sending and receiving TDM-encoded voice (col. 2 lines 59-61; col. 3 lines 31-34).

Consider claim 20, Pelaez et al teach wherein the packet network interfaces include at least one of ATM, Ethernet, POS, and MPLS interfaces (col. 5 lines 26-30).

Consider claim 21, Pelaez et al teach wherein the packet network interfaces send and receive packetized voice using at least one of AAL1, AAL2, and VoIP protocols (col. 2 lines 59-61).

Consider claim 22, Pelaez et al teach wherein at least one of the first and second terminations comprises a packet network interface and the tap termination comprises a TDM network interface (col. 3 lines 27-34).

Consider claim 23, Pelaez et al teach wherein each of the first termination, the second termination, and the tap termination have one of a TDM interface and a packet-based interface (col. 2 lines 58-67).

Consider claim 24, Pelaez et al teach a system for providing lawful intercept of a media stream in one or more media gateways, the system comprising: (a) a media gateway controller for generating media gateway control commands for establishing contexts through media gateways for calls between first and second end users that use the media gateways (col. 3 lines 23-39; Fig. 2); and (b) at least one media gateway operatively associated with the media gateway controller for, in response to the commands from the media gateway controller, establishing a call context for a call between first and second end users, the call context including first and second terminations being initialized for bi-directional communications (col. 4 lines 35-39), and for, in response to commands from the media gateway controller, establishing a tap context with at least one tap termination, the at least one tap termination referring to one of the first and the second termination and having one-way media streams from the one of the first and second termination to the at least one tap termination (col. 3 lines 44-50; col. 4 lines 50-60).

Consider claim 25, Pelaez et al teach wherein the media gateway controller is adapted to control the media gateway to perform the lawful intercept of the media stream using extensions to a media gateway control protocol (col. 3 lines 25-34).

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Consider claim 26, Pelaez et al teach wherein the extensions include a command for intercepting at least a portion of a media stream defined in an existing context within the same media gateway (col. 3 lines 25-34).

Consider claim 27, Pelaez et al teach wherein the at least one media gateway includes packet interfaces for sending and receiving packetized media stream communications.

Consider claim 28, Pelaez et al teach wherein the at least one media gateway includes TDM interfaces for sending and receiving TDM-encoded media information (col. 2 lines 59-61; col. 3 lines 31-34).

Consider claim 29, Pelaez et al teach wherein the media gateway includes packet interfaces for sending and receiving packetized media streams and TDM interfaces for sending and receiving TDM-encoded media streams (col. 2 lines 59-61; col. 3 lines 31-34).

Consider claim 30, Pelaez et al teach wherein the media gateway controller and the at least one media gateway are located on the same physical platform (col. 2 lines 53-64).

Consider claim 31, Pelaez et al teach wherein the media gateway controller and the at least one media gateway are located on separate physical platforms (col. 2 lines 53-64).

Allowable Subject Matter

3. Claims 12-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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5. Any response to this action should be mailed to:

Mail Stop ____ (explanation, e.g., Amendment or After-final, etc.)

Commissioner for Patents

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Facsimile responses should be faxed to:

(571) 273-8300

Hand-delivered responses should be brought to:

Customer Service Window

Randolph Building

401 Dulany Street

Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Quoc Tran** whose telephone number is **(571) 272-7511**. The examiner can normally be reached on M, T, TH and Friday from 8:00 to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Curtis Kuntz**, can be reached on **(571) 272-7499**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600** whose telephone number is **(571) 272-2600**.

QUOCTRAN
PRIMARY EXAMINER



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September 16, 2005